

# Holland & Knight

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**MEMO ENDORSED**

February 25, 2022

**VIA ECF**

The Honorable Valerie E. Caproni  
United States District Judge, S.D.N.Y.  
Thurgood Marshall United States Courthouse  
40 Foley Square, Room 240  
New York, New York 10007

Re: *Wexler v. Hasbro, Inc.*, 1:20-cv-01100 (VEC)

Dear Judge Caproni:

We represent Defendant Hasbro, Inc. (“Hasbro”) in the above-referenced civil action. Pursuant to Rule 5(B)(ii) of the Court’s Individual Rules and Practices in Civil Cases, the Protective Order entered in this action (DE 27), and this Court’s order dated February 16, 2022 (the “Order”), Hasbro respectfully requests that the Court enter an order granting leave to file the below referenced deposition transcripts with redactions. Plaintiff David Wexler does not object to the relief sought herein.

In the Order, the Court directed the parties to refile excerpts of certain deposition transcripts filed in connection with Hasbro’s motion for summary judgment, with their proposed, narrowly tailored redactions of text in three categories, namely: (1) confidential business/marketing strategy documents including sensitive business communications; (2) information pertaining to business counter parties that if made public would commercially disadvantage a party or the counter party; and (3) non-public financial information and analysis. *See* Order; *see also* Dkt. No. 45 (identifying and describing categories).

Accordingly, Hasbro respectfully requests that the below deposition transcripts be filed with redactions. These transcripts are attached hereto as Exhibits A and B and are filed in compliance with Rule 5(B)(iii) of the Court’s Individual Rules of Practice in Civil Cases, *i.e.*, under seal with highlighted, proposed redactions, and publicly with redactions.

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Exhibit No.	Original Exhibit No.	Original Dkt. No.	Deponent	Pages/Lines for Redaction	Category for Sealing
A	Exhibit 26 to the Declaration of Courtney L. Batliner in Support of Hasbro, Inc.'s Motion for Summary Judgment	53-19	Jonathan Berkowitz	98:6-7 98:14 100:3-14 101:9-21 150:16-151:11 152:18-25	Categories 1 and 3.
B	Exhibit 134 to the Declaration of Philippe Zimmerman in Opposition to Defendant's Motion for Summary Judgment	60-5	Jonathan Berkowitz	100:3-14 101:9-21	Category 1.

Hasbro thanks the Court for its time and consideration.

Respectfully submitted,  
HOLLAND & KNIGHT LLP

/s/ Courtney L. Batliner  
Courtney L. Batliner

cc: All counsel of record (via ECF)

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Attorneys for Defendant Hasbro, Inc.

Defendants' application to redact the two exhibits is GRANTED. The Court finds that the proposed redactions preserve higher values and are narrowly tailored to preserve those interests. *See Lugosch v. Pyramid Co. of Onondaga*, 435 F.3d 110, 120 (2d Cir. 2006).

In its February 16, 2022 Endorsement, the Court required the parties to refile 11 deposition excerpts with narrow redactions by February 25, 2022. *See* Endorsement, Dkt. 74 (listing the 11 deposition excerpts by docket number). Only the two deposition excerpts that are the subject of Defendants' letter have been refiled.

By no later than **Friday, March 4, 2022**, the parties must show cause why the remaining nine deposition excerpts should not be filed on the public docket without any redactions. If the parties do not object to filing those deposition excerpts on the public docket, they must do so by the March 4, 2022 deadline.

The Clerk of Court is respectfully directed to close the open motion at docket entry 75.

SO ORDERED.



Date: February 28, 2022

HON. VALERIE CAPRONI  
UNITED STATES DISTRICT JUDGE